

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 1302 - SB 1374

March 9, 2015

SUMMARY OF BILL: Authorizes the fines collected pursuant to Tenn. Code Ann. § 39-13-111 relative to domestic assault to be used to pay for global positioning monitoring systems for domestic assault or stalking offenders as a condition of bail.

Authorizes a judge to use the funds to pay for an indigent defendant's GPS monitoring.

Requires courts to have forms with a space to indicate whether GPS monitoring was considered as a condition of bail and whether or not it as imposed.

ESTIMATED FISCAL IMPACT:

NOT SIGNIFICANT

Assumptions:

- Housing pre-trial offenders is the responsibility of local governments as is the responsibility to monitor offenders out on bail.
- A judge may order, as a condition of bail, that a person charged with domestic assault or stalking wear a GPS anklet while out on bail. If the defendant is indigent, the judge may order the defendant to perform community service in lieu of paying for the monitoring. The bill repeals this provision and authorizes funds collected under Tenn. Code Ann. § 39-13-111 to be used to pay for indigent defendants' monitoring.
- The bill allows for the fee under Tenn. Code Ann. § 39-13-111(c)(5) to be appropriated by the General Assembly for use in paying GPS monitoring fees. Under current law, this fee is available to be appropriated by the General Assembly for the exclusive purpose of funding family violence shelters and shelter services. Any amount used to pay for GPS monitoring would reduce funding for family violence shelters and shelter services.
- Local governments currently pay for indigent defendants' monitoring but may require community service in lieu of payment. The bill does not alleviate the local government from paying for monitoring. It merely makes funds available to local governments that previously could not be used for GPS monitoring.
- The Administrative Office of the Courts, local court clerk contacts, and CTAS confirm that the bill will not significantly impact local government operations.
- The bill could result in savings to local governments as GPS monitoring costs approximately \$36 per day, whereas housing a defendant in a local jail costs approximately \$64.39 per day. And where local governments currently get community

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service from an indigent defendant, they could get actual funds in return for offering GPS monitoring to indigent defendants. However, Fiscal Review does not have sufficient data to reasonably determine any potential savings to local governments.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in dark ink, appearing to read "Jeffrey L. Spalding". The signature is fluid and cursive, with the first name "Jeffrey" and last name "Spalding" clearly distinguishable.

Jeffrey L. Spalding, Executive Director

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